

REQUEST FOR RECONSIDERATION		Application #	10/693,955
		Confirmation #	3799
		Filing Date	October 28, 2003
		First Inventor	LAURIE
		Art Unit	1615
		Examiner	Sheikh, Humera N.
		Docket #	P07351US01/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action dated September 10, 2007, Applicants respectfully request that the Examiner reconsider the rejection to the claims and find the present application in condition for allowance based on the discussion which follows.

Claims 1, 3, 4, 8 and 10-14 are pending in the present application with claims 1, 3, 4, 8 and 10-12 rejected and claims 13 and 14 indicated as being allowable. Specifically, claims 1, 3, 4, 8 and 10-12 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It was alleged that the claims include subject matter which was not described in the specification in such a way as to reasonably convey to one of ordinary skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, namely a trace element solution comprising a metal concentration of at least 60 mg/ml.

Applicants respectfully submit that the specification fully supports a trace element solution comprising a metal concentration of at least 60 mg/ml. The present invention is disclosed as being directed to a trace element solution which comprises an EDTA-complex of sodium selenite solution and another metal selected from the group consisting of metal oxides, metal hydroxides and metal carbonates. The EDTA-complexes include at least one of the metal compounds selected from the group

consisting of copper, manganese, zinc, molybdenum and chromium (specification, page 3, lines 20-24). Accordingly, the EDTA-complexes may include all five compounds, such that the EDTA-complexes include copper, manganese, zinc, molybdenum and chromium. In such an instance, the present trace element solution will include an EDTA-complex of all five trace elements and a sodium selenite.

The method disclosed by which the trace element solution is formed is disclosed on page 3, lines 10-15 of the present specification, in which the EDTA-complex solution is formed (step (a)), the sodium selenite solution is formed (step (b)), and the two solutions are combined (step (c)). Accordingly, in step (a) (providing at least one EDTA-complex), when the EDTA-complex includes all five metals, the EDTA-complex solution will include all five metals in a single solution or in five individual solutions which are then combined with the sodium selenite solution in step (c).

The specification then provides examples which support the claimed method and EDTA-complex sodium selenite solution. Specifically, the disclosed examples include Examples 1-7, where Examples 1-4 and 7 disclose the five EDTA-complex mineral solutions of zinc, manganese, copper, chromium and molybdenum, respectively, and Example 5 discloses the sodium selenite solution. In accordance with the one form of the present invention, Example 6 discloses an EDTA-complex sodium selenite solution which comprises the metals copper, manganese, zinc and chromium. Although the specification does not include a specific example which includes an EDTA-complex sodium selenite solution comprising all five metals, namely copper, manganese, zinc, molybdenum and chromium, it will be readily apparent to one of ordinary skill in the art in view of the full disclosure and, in particular, Example 6 that in order to produce an

EDTA-complex sodium selenite solution, one would combine the preparations of Examples 1-4 and 7 with the sodium selenite solution of Example 5 to produce a final solution which includes all five metals. Accordingly, the resulting solution will have a metal concentration of 100 mg/ml.

Moreover, the examples do not stand on their own as various embodiments of the present invention, i.e. the solutions of Examples 1-5 and 7, as none of the examples, individually, disclose the necessary elements of the claimed invention, namely an EDTA-complex and selenium with another suitable mineral. Therefore, necessarily, Examples 1-5 and 7 are merely exemplars of possible "intermediate" solutions which must be combined with a selenium solution to provide enablement for the present invention. In any event, the examples fully support a metal concentration of at least 60 mg/ml and include support for metal concentrations up to 100 mg/ml, which is considerably more than the at least 60 mg/ml.

Further, in response to the issue of criticality of having at least a 60 mg/ml concentration, the present disclosure is specifically directed to improving the concentration of trace elements, resulting in a reduction in the volume of a solution which would need to be administered to livestock. Accordingly, the disclosed 60 mg/ml of Example 6 demonstrates that having at least 60 mg/ml was considered by the inventors, at the time the invention was made, as being beneficial to the present invention. Therefore, the inventors, at the time the invention was made, intended the invention to have at least 60 mg/ml, as evidenced by Example 6.

Further, allowed claims 13 and 14 both support the claimed at least 60 mg/ml. Claims 13 and 14 recite a trace element solution comprising five trace elements in the

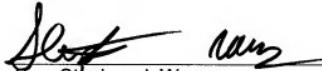
form of at least x mg/ml. Taken together, claims 13 and 14 recite a trace element solution comprising at least 60 mg/ml.

In view of the foregoing, Applicants respectfully submit that claims 1, 3, 4, 8 and 10-12 are in compliance with the requirements of 35 U.S.C. § 112, first paragraph.

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance.

Respectfully submitted,

Date: January 10, 2008



By: Stephen J. Weyer
Registration No.: 43,259

STITES & HARBISON PLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314
TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 000881